IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DR. NANCY SEBRING, Plaintiff, vs. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT, TEREE CALDWELL-JOHNSON, PHIL ROEDER, and PATRICIA LANTZ, Defendants.	CASE NO. **CVCV046018** **PETITION**

The Plaintiff, Dr. Nancy Sebring, states the following in support of her Petition against Defendants Des Moines Independent Community School District, Teree Caldwell-Johnson, Phil Roeder, and Patricia Lantz:

I. INTRODUCTION

1. This lawsuit is brought by Nancy Sebring, former Superintendent of Schools for the Des Moines Public School District ("the District"), against the District, its former President of the Board of Education, Teree Caldwell-Johnson, the District's Director of Community Relations, Philip Roeder, and the District's General Counsel, Patricia Lantz. Sebring's claims relate to the wrongful and unconscionable release to the public of purely personal and private e-mails disclosing intimate details about her personal life. Caldwell-Johnson, Roeder, and Lantz, either individually or working in concert, wrongfully undertook steps to ensure the purely personal and private e-mails would come to the attention of the DES MOINES REGISTER and to the public. Then, to make matters worse, Caldwell-Johnson, Roeder, and Lantz, either individually or working in concert, disseminated information about the purely personal and private e-mails to staff of the Omaha School District which had just hired Sebring as its new Superintendent of

Schools. The actions of the District, Caldwell-Johnson, Roeder, and Lantz were undertaken with malicious intent to harm and punish Sebring and to cause her severe embarrassment, humiliation, and emotional distress. Their actions also interfered with Sebring's employment contract with the District and with the Omaha School District. The District, Caldwell-Johnson, Roeder and Lantz have wrongfully and maliciously damaged Sebring's reputation and left her career in a shamble such that Sebring, once the leader of Iowa's largest school district and the future leader of Omaha schools, cannot obtain a leadership position with any educational employer—anywhere. Sebring has suffered, and will in the future suffer, great embarrassment, humiliation, and emotional distress and the loss of employment, income, and future earning capacity all as a result of the illegal and mendacious conduct of Caldwell-Johnson, Roeder, and Lantz, and the reckless and illegal actions of the District.

II. PARTIES

2. Plaintiff Nancy Sebring, Ed.D., was at material times hereto a resident of Des Moines, Polk County, Iowa, and was the Superintendent for Des Moines Independent Community School District.

3. Defendant Des Moines Independent Community School District is a school corporation organized under the laws of the state of Iowa and operating in Des Moines, Polk County, Iowa.

4. Defendant Teree Caldwell-Johnson is a resident of Des Moines, Polk County, Iowa, and at material times hereto was a member of the District's Board of Education and at material times hereto was the President of the Board.

5. Defendant Phil Roeder is a resident of Des Moines, Polk County, Iowa, and at material times hereto was the Director of Community Relations/Legislative Liaison for the District.

6. Defendant Patricia Lantz is a resident of Des Moines, Polk County, Iowa and at material times hereto was the General Counsel for the District.

III. JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter as the value exceeds the small claims jurisdictional amount.

8. Venue is appropriate in this court as Defendant Des Moines School District has its principal place of operation in Polk County, Iowa, Defendants Caldwell-Johnson, Roeder, and Lantz are residents of, and were engaged in acts relevant to this lawsuit in Polk County, Iowa.

IV. FACTS

Background

9. Sebring was hired as the Superintendent of Schools for the District in 2006.

10. Between February 1, 2012, and May 10, 2012, Sebring exchanged purely personal and private e-mails with a person with whom she had a relationship. Sebring had a reasonable expectation that these e-mails were confidential to the extent that the District would not disclose them to the public unless required to do so under Iowa's Open Records Law, Iowa Code Chapter 22.

11. In early April, 2012, Sebring accepted employment as the Superintendent of the Omaha Public Schools; she resigned her position with the District effective June 30, 2012.

12. Being hired as the Superintendent of the Omaha Public schools was, for Sebring, the culmination of a long and accomplished career in public education and represented

significant career advancement for Sebring. The Omaha Public Schools is significantly larger than the District with an enrollment of over 55,000 students and with an operating budget of $530,000,000.

13. In addition, the compensation package the Omaha Public Schools agreed to provide Sebring was substantially greater than the salary and benefits Sebring had been paid by the District.

OMAHA WORLD-HERALD Requests Information

14. On May 7, 2012, Jonathan Braden of the OMAHA WORLD-HERALD submitted an Open Records request to the District pursuant to Iowa's Open Records Law (Iowa Code Chapter 22).

15. Braden's request, in relevant part, asked the District to produce to him a particular set of public records. Braden's request described the records he sought to obtain as follows: "[A]ny and all correspondence about Omaha, the Omaha Public Schools, or anything related to the Omaha Public Schools Superintendent position to and from Nancy Sebring, currently Superintendent of Des Moines Public Schools, from February 1, 2012 through May 7, 2012."

16. In the evening of May 7, 2012, Roeder sent Sebring an e-mail notifying her of Braden's request. Sebring was in Longmont, Colorado, visiting family when she received the e-mail from Roeder.

17. Sebring left Colorado on May 8, 2012, taking the train back to Des Moines. She did not hear anything from Roeder regarding Braden's request the remainder of that day or the next day, May 9, 2012.

18. On May 8, 2012, Roeder e-mailed Braden, indicating the District had received his request for public records and would begin working on a response.

19. In preparing to comply with Braden's request, the District searched all of the e-mails Sebring sent or received during the designated time period, including deleted e-mails, using the search term "Omaha."

20. The overly broad search that the District conducted thus retrieved a number of highly personal and intimate e-mails. Sebring had previously deleted the messages since the messages did not pertain in any way to her duties and responsibilities as the District's Superintendent of Schools, and she never thought the purely personal and private e-mails could be the subject of, or released in response to, an Open Records request. Further, Sebring's personal and private e-mails were not, at that time, the subject of any Open Records request.

21. The purely private and personal portions of Sebring's e-mails were not, under any reasonable interpretation, "about Omaha, the Omaha Public Schools or related to the Omaha Public Schools Superintendent position" and, hence, were not responsive to Braden's request.

22. Even though the purely personal and private e-mails were not responsive to Braden's request, the e-mails were reviewed by either Roeder or Lantz, or both, and possibly others.

23. Soon thereafter, Sebring's purely personal and private e-mails were shown to Caldwell-Johnson. It was decided at that time to handle the situation as a disciplinary matter even though the private e-mails were not responsive to Braden's request, Sebring had previously resigned her employment, and no one had filed any type of complaint against Sebring.

Caldwell Johnson Calls Sebring

24. Sebring arrived back in Des Moines on May 9, 2012, at approximately 10:30 a.m.

25. About one hour after she arrived in Des Moines, Caldwell-Johnson called Sebring and told her that staff members had seen "inappropriate" e-mails on Sebring's computer; that an

emergency meeting of the District's Board was scheduled for noon the next day, May 10, 2012; and that Sebring needed to find an attorney.

26. On information and belief, Lantz, Roeder, and possibly other Board members, were on the telephone call when Caldwell-Johnson spoke with Sebring during the morning of May 9, 2012. Caldwell-Johnson did not inform Sebring that others were on the telephone call with her.

27. At approximately noon on May 9, 2012, the District posted a notice notifying the public that the Board would hold a special meeting on May 10, 2012.

Braden Clarifies and Amends his Open Records Request

28. After the telephone call with Caldwell-Johnson ended on May 9, 2012, Sebring attempted to call one of the lawyers with the law firm that regularly advises and represents the District for guidance regarding what steps she should take in light of the discovered e-mails.

29. Sebring assumed that the lawyer she tried to call was aware of Braden's request and the purely personal and private e-mails that were recovered. When she was unable to get a hold of the District's regular lawyer, Sebring telephoned Braden to clarify exactly what information he requested from the District.

30. During the telephone call, Sebring told Braden that the District used "Omaha" as the search term in preparing to comply with his request and that the search picked up purely personal and private e-mails that contained the word "Omaha."

31. During that same telephone call, Sebring asked Braden if he intended to request personal e-mails, and Braden confirmed that he was only seeking e-mails between Sebring and individuals from Omaha that pertained to the Omaha Public School District's superintendent search, Sebring's hiring, or Omaha Public School District business.

32. Also during that same telephone call, Braden confirmed that he was not interested in receiving personal e-mails that did not pertain to Sebring's future employment with Omaha Public Schools or that were not communications between Sebring and anyone in Omaha regarding Sebring's employment with the Omaha Public School District.

33. To clarify things, Braden said he would modify his Open Records request to more obviously ask for only e-mails between Sebring and individuals from Omaha, and he e-mailed a revised Open Records request to Roeder at 12:37 p.m. on May 9, 2012. Braden's request, in relevant part, provided as follows: "This query is limited to people from the Omaha area, such as Omaha residents or teachers and administrators in the Omaha Public Schools."

34. Sebring called Roeder and Lantz on both their office and personal telephones to confirm that the District received Braden's revised request. Sebring left messages on their respective voice mails, but neither Roeder nor Lantz returned Sebring's calls.

Caldwell-Johnson Shows Up Unannounced at Sebring's Home

35. At approximately 1:00 p.m. on May 9, 2012, Caldwell-Johnson arrived, unannounced, at Sebring's home.

36. Once inside Sebring's home, Caldwell-Johnson handed Sebring an envelope that contained hard copies of Sebring's purely personal and private e-mails. Roeder's name appeared on the top of the e-mails indicating that Roeder had sent each of the printed messages to a printer.

37. While she was in Sebring's home, Caldwell-Johnson again told Sebring that a special meeting of the Board had been scheduled for the next day, and Caldwell-Johnson repeated that Sebring needed to retain a lawyer.

38. At that point in the conversation, Sebring told Caldwell-Johnson about her earlier telephone conversation with Braden and explained that Braden was submitting a new request that clearly did not include any personal e-mails.

39. While still inside Sebring's home, Caldwell-Johnson immediately called Lantz who promptly answered Caldwell-Johnson's call. Lantz then confirmed that the District received a revised Open Records request from Braden, and that the e-mail messages contained in the envelope Caldwell-Johnson gave Sebring were no longer subject to Braden's request.

40. Rather than being relieved, Caldwell-Johnson appeared frustrated and agitated at Braden's revised request and again told Sebring that the Board was having an emergency meeting the next day and that Sebring needed to get a lawyer.

41. When Sebring asked Caldwell-Johnson why Sebring needed to hire an attorney, Caldwell-Johnson did not answer Sebring's question, but, instead, repeated that a special Board meeting would be held the next day and that Sebring needed an attorney.

42. Thinking she might be fired, Sebring asked Caldwell-Johnson if it would be better if she resigned her employment with the District. Caldwell-Johnson responded by again telling Sebring that she needed to retain a lawyer. Caldwell-Johnson added that Sebring should "take it from a friend who's been there."

43. Caldwell-Johnson then wrote down the telephone number of James Brick, an attorney Caldwell-Johnson had worked with in the past. Caldwell-Johnson handed the phone number to Sebring and repeated, for at least the fourth time, that the Board was going to hold a special meeting the next day and Sebring needed to hire an attorney.

44. Caldwell-Johnson led Sebring to believe that because of the purely personal and private e-mails that had been retrieved, the Board planned on terminating Sebring's employment

during the special meeting scheduled for May 10, 2012 unless Sebring immediately resigned her employment.

45. While at Sebring's home, Caldwell-Johnson never mentioned that under Iowa Code Chapter 279 the Board could only consider terminating Sebring's employment contract or that Sebring had a right to an evidentiary hearing before a neutral adjudicator before any final decision regarding termination could be made.

Sebring Consults an Attorney

46. On the afternoon of May 9, 2012, a few hours after Caldwell-Johnson left Sebring's house, Sebring met with an attorney with Brick Gentry, P.C., where James Brick is a shareholder.

47. After consulting with legal counsel, Sebring, accompanied by her sister, went to Sebring's office at approximately 4:45 p.m. on May 9, 2012 and started going through Sebring's deleted messages and deleting any purely personal e-mail messages she had received.

48. Sebring believed that she could delete the purely personal and private e-mails because the messages did not pertain to her official duties, and because no Open Records request was pending that covered the purely personal and private e-mails or required the preservation of those documents.

49. Before going through her e-mails, Sebring spoke with Assistant Superintendent Tom Ahart who, to Sebring's surprise, did not seem to know anything about Braden's Open Records request, the recovery of Sebring's purely personal and private e-mails, or the special board meeting that was scheduled for the next day.

The DES MOINES REGISTER's Open Records Request

50. When Sebring and her sister arrived at Sebring's office, Roeder was in his office which is located close to Sebring's former office.

51. At 4:36 p.m. on May 9, 2012, Roeder sent Braden an e-mail indicating the District received the revised Open Records request and someone from the District would be in touch within "the next couple days."

52. At 5:22 p.m. on May 9, 2012, Kathy Bolton, the Metro/Communications Editor for the DES MOINES REGISTER, e-mailed Roeder an Open Records request asking for all of Sebring's e-mails from February 1, 2012, through April 30, 2012.

53. Caldwell-Johnson, Roeder, Lantz, or all of them, had, prior to 5:22 p.m. on May 9, 2012, contacted the DES MOINES REGISTER and told the REGISTER about Sebring's purely personal and private e-mails. Based on knowledge, information, and belief, Caldwell-Johnson specifically told Rick Green, the REGISTER's Editor, that he "had to see these e-mails," or words to that effect.

54. Based on information and belief, the other members of the District's Board of Directors were not advised or consulted before the DES MOINES REGISTER was tipped off regarding Sebring's purely personal and private e-mails.

Sebring Resigns her Employment

55. On the evening of May 9, 2012, Sebring again spoke with Caldwell-Johnson and agreed to resign her employment effective immediately, approximately seven weeks prior to her planned resignation on June 30, 2012.

56. During the telephone conversations Sebring had with Caldwell-Johnson the evening of May 9, 2012, Caldwell-Johnson asked Sebring to prepare and submit a written letter of resignation.

57. Caldwell-Johnson also told Sebring to stay home the next day and told Sebring not to attend the special Board meeting that was to be held the next day at noon. Sebring complied with Caldwell-Johnson's instructions. Caldwell-Johnson did not consult or advise other Board members before giving Sebring those directions.

58. The written resignation Sebring submitted at 11:30 p.m. on May 9, 2012 provided the following explanation for Sebring's seemingly abrupt change in plans: "Due to the many personal issues which must be addressed prior to July 1, I respectfully request that the Board accept my resignation effective immediately. While I make this request with some regret, I believe that the Board and staff are in a good position to successfully transition to interim leadership."

59. Sebring later signed, at Lantz's instruction, a written request asking the Board to meet in closed session on May 10, 2012, pursuant to Iowa Code Chapter 21.5(1)(i).

60. Iowa Code Chapter 21.5(1)(i) permits boards of public entities to go into closed session "[t]o evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session."

61. Sebring requested the Board meet in closed session because she was told the Board intended to discuss her purely personal and private e-mails and to take action regarding Sebring's resignation, which had to be formally accepted by the Board to be effective.

Sebring Notifies Omaha Public Schools

62. The evening of May 9, 2012, Sebring called Elizabeth Eynon-Kokrda, an attorney who represents the Omaha Public Schools, to let Eynon-Kokrda know that Sebring was submitting her employment resignation to the District.

63. During her conversation with Eynon-Kodrda, Sebring was very candid with Eynon-Kokrda and told her about the purely personal and private e-mails that had been discovered by the District.

64. During this same telephone conversation, Eynon-Kokrda assured Sebring that the Omaha Public Schools did not care about her private personal life and that she did not think Sebring's abrupt resignation would raise any issues. Eynon-Kokrda said she would contact the President of the Omaha Public Schools Board of Education and let her know what was happening.

The May 10, 2012 Board Meeting

65. The District's Board met May 10, 2012, as scheduled. During that meeting, the Board accepted Sebring's resignation and named Ahart as the District's Interim Superintendent of Schools.

66. The Board discussed Sebring's purely personal and private e-mails during the May 10, 2012 meeting.

67. After the May 10, 2012 special Board meeting, the Board released a statement that Sebring requested to move up her resignation date and that the Board understood and appreciated Sebring's "wish to have some additional time as she prepares for her transition to Omaha." Sebring was denied any opportunity to speak to the Board, and she never told the Board that it was her wish to have some additional time to prepare for her transition to Omaha.

68. The statement the Board issued went on to state that the Board supported Sebring's "request to make that happen" and included the following statement: "On behalf of the entire Board, we want to thank Dr. Sebring for her service to the school district and community and wish her well in the future."

The District Response to the REGISTER's Request

69. Earlier on the morning of May 10, 2012, Roeder sent an e-mail to Bolton acknowledging receipt of the Open Records request Bolton sent the previous evening.

70. In the e-mail he sent Bolton, Roeder predicted that Bolton's request would entail "hundreds, if not thousands, of emails to and from a Superintendent over the course of three months," and stated further that the District "need[ed] to comply with state and federal laws on many issues pertaining to students and personnel."

71. Later that afternoon, Roeder denied Bolton's request for a copy of Sebring's resignation letter and stated "we treat resignation letter's (sic) as a personal item in a confidential personnel file, and therefore as confidential under Iowa law." Sebring later authorized the release of her resignation letter, and the District e-mailed a copy of the resignation letter to Bolton.

72. On May 16, 2012, Roeder advised Bolton that the District's technology department had "compiled the requested e-mails, which total 3,971," and he estimated the District would incur $2,294.60 in "time and costs" to review the e-mails and determine if any of the e-mails were "confidential under state and/or federal law."

73. Roeder then asked Bolton if she agreed with the charge so the District could begin to process the request. Without any prompting from Bolton, Roeder also told Bolton that she had

the option to modify the time frame or search term to reduce or eliminate the District's time and expense to comply with the request.

74. Approximately two hours after Roeder sent the e-mail, Bolton followed Roeder's suggestion and responded with a more limited request for "all emails to and from former Superintendent Nancy Sebring between February 1 and May 10, 2012 that contain the word 'Omaha.'"

75. On May 18, 2012, Roeder e-mailed Bolton and informed her that the processing charge for the more limited search would be $131.20, which was later reduced to $82.50.

76. The District complied with Bolton's Open Records request on May 30, 2012, and delivered to the DES MOINES REGISTER copies of Sebring's e-mails from February 1, 2012, through May 10, 2012, in which the word "Omaha" appeared, including Sebring's purely personal and private e-mails.

77. The DES MOINES REGISTER initially intended to publish a story about Sebring's purely personal and private e-mails and issues pertaining to the District's Charter School in its Sunday, June 3, 2012, edition.

The Story is Leaked to the OMAHA WORLD-HERALD

78. On Friday, June 1, 2012, the OMAHA WORLD-HERALD received a copy of a draft statement that Roeder or Caldwell-Johnson prepared for Caldwell-Johnson in response to the DES MOINES REGISTER's upcoming article about Sebring.

79. The draft document, entitled "Statement by TCJ," also included a mock question and answer section, and disclosed confidential personnel information about the events leading up to Sebring's resignation, much of which was not true and which otherwise placed Sebring in a negative and false light.

80. The "Statement by TCJ" provides, in relevant part, that Sebring "violated a district policy, more importantly she showed poor judgment and took actions that were both beneath her position and embarrassing to the district."

81. The mock question and answer section in the "Statement by TCJ" discussed the general nature of Sebring's purely personal and private e-mails that were uncovered and disclosed the exact reasons why Sebring resigned her employment.

82. One question in the draft statement, asking whether "it was proper to discuss Dr. Sebring's resignation in closed session," is followed by the answer: "Absolutely. I am not going to apologize for the fact that public employees have rights under the law. Dr. Sebring was under contract with the school District, and this was a personnel matter...."

83. On the evening of June 1, 2012, reporters from the OMAHA WORLD-HERALD called Roeder and he confirmed that the leaked "Statement by TCJ" was authentic. The OMAHA WORLD-HERALD posted the document on its website after speaking with Roeder.

84. On June 2, 2012, Roeder, in a series of e-mails, apologized profusely to DES MOINES REGISTER reporters about the leaked "Statement by TCJ" including a final message that stated, "...I caught what was on line. And again, I cannot apologize enough to you, Kathy, Carol, Rick and everyone at your end for however this document got to the OWH!"

85. Once the OMAHA WORLD-HERALD posted the "Statement by TCJ" on its website, the DES MOINES REGISTER decided it could not wait until Sunday to run its story about Sebring.

86. On the evening of June 1, 2012, the DES MOINES REGISTER posted its story about Sebring's purely personal and private e-mails on the online edition of its paper.

87. Prior to publishing the story, Rick Green told Sebring that the paper could not wait until Sunday because the OMAHA WORLD-HERALD had the story. He added that the

situation was "very fluid" and explained that the REGISTER needed to get out ahead of the OMAHA WORLD-HERALD.

88. Roeder told Board members that he did not know how the OMAHA WORLD-HERALD obtained the "Statement by TCJ" and speculated that the District was the victim of a "hacker."

89. On information and belief, it was Caldwell-Johnson who, directly or indirectly, provided someone with the Omaha School District a copy of the "Statement by TCJ."

Sebring's Private E-mails are Published

90. On June 2, 2012, the DES MOINES REGISTER printed the story that appeared on its online edition the night before as the lead article for its Saturday paper.

91. Caldwell-Johnson's and Roeder's unlawful disclosure of Sebring's purely personal and private e-mails and information to the DES MOINES REGISTER lead to general publicity of Sebring's purely personal and private e-mails.

92. The morning of June 2, 2012, Sebring called Green to thank him for publishing only the story and not her purely personal and private e-mails. After a pause in the conversation, Green said that Sebring's personal e-mails the REGISTER had obtained from the District were going to be published online within the hour.

93. At that point, Sebring knew that one of the most private and intimate aspects of her life would soon be known to everyone. Upon concluding the call with Green, Sebring was sick with embarrassment, fear, anguish and distress.

94. As June 2, 2012 progressed, Sebring watched in horror as news reporters started broadcasting from her front yard. Sebring's telephone rang constantly, as did the telephone of her closest friends and her family.

95. Later on June 2, 2012, Sebring received a telephone call from Eynon-Kokrda. During that telephone call, Eynon-Kokrda told Sebring that the Omaha Public School Board was going to meet that day to discuss Sebring's situation.

96. During the June 2, 2012 telephone call with Sebring, Eynon-Kokrda asked Sebring to prepare a written resignation letter, as she suspected the Board would request one following the meeting.

97. During the June 2, 2012 telephone call, Eynon-Kokrda explained that the publication of Sebring's purely personal and private e-mails on the OMAHA WORLD-HERALD and DES MOINES REGISTER websites changed everything.

98. As instructed, Sebring prepared a written resignation letter and submitted the letter to the Omaha Public School Board. The Omaha Public School Board accepted Sebring's resignation during its meeting on June 2, 2012.

V. CAUSES OF ACTION

COUNT I - INVASION OF PRIVACY
(ALL DEFENDANTS)

99. Plaintiff incorporates paragraphs 1 through 98 of this Petition as if fully set forth herein.

100. Sebring's purely personal and private e-mails related to her private life and were not related to her public life or her role as Superintendent of the District.

101. Sebring's purely personal and private e-mails were not public records subject to production under Iowa's Open Records law, Iowa Code Chapter 22.

102. Even if Sebring's purely personal and private e-mails were public records subject to production under Iowa's Open Records law, the District was required to keep the purely

personal and e-mails confidential and could not disclose the purely personal and private e-mails pursuant to Iowa Code Chapter 22.7(11)(a).

103. Sebring reasonably expected the District would follow the law and that it would not disclose to the media and the public e-mails that were not public records or records the District was obligated to keep confidential.

104. The District deviated from its prior practice by publically disclosing purely private documents as well as documents that were directly related to an employee's resignation of employment.

105. Defendants' disclosure of Sebring's purely personal and private and confidential e-mails would be highly offensive to a reasonable person.

106. Sebring's purely personal and private e-mails were not of legitimate concern to the public.

107. Defendants also publicized information about Sebring that placed her before the public in a negative and false light by leaving out facts, or combined statements that were basically true, in a way that intentionally conveyed a false meaning.

108. The negative and false light in which Defendants placed Sebring would be highly offensive to a reasonable person.

109. Defendants knew of or acted in reckless disregard when they made negative and false written, printed, or oral statements concerning Sebring.

110. Defendants acted with willful and wanton reckless disregard for Sebring's rights and interests, thereby warranting the imposition of punitive damages against Defendants Caldwell-Johnson, Roeder, and Lantz.

111. As a result of Defendants' conduct Sebring has suffered damages, including but not limited to severe emotional distress, mental anguish, pain and suffering, embarrassment, humiliation, reduced earning capacity and lost past and future wages and benefits, and Sebring requests relief as set forth below.

COUNT II - INTERFERENCE WITH CONTRACT OF EMPLOYMENT WITH OMAHA PUBLIC SCHOOLS
(ALL DEFENDANTS)

112. Plaintiff incorporates paragraphs 1 through 111 of this Petition as if fully set forth herein.

113. Sebring had a contract with the Omaha Public School District.

114. Defendants knew of Sebring's contract with the Omaha Public School District.

115. Defendants intentionally and improperly interfered with Sebring's contract with the Omaha Public School District by engaging in the actions described herein.

116. Defendants' interference with the contract between Sebring and Omaha Public School District caused the Omaha Public School District request Sebring's resignation and effectively rescind the contract.

117. Defendants acted with willful and wanton reckless disregard for Sebring's rights and safety, thereby warranting the imposition of punitive damages against Defendants Caldwell-Johnson, Roeder, and Lantz.

118. As a result of Defendants' conduct Sebring has suffered damages, including but not limited to severe emotional distress, mental anguish, pain and suffering, embarrassment, humiliation, reduced earning capacity and lost past and future wages and benefits, and Sebring requests relief as set forth below.

COUNT III - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (ALL DEFENDANTS)

119. Plaintiff incorporates paragraphs 1 through 118 of this Petition as if fully set forth herein.

120. Defendants engaged in outrageous conduct by releasing Sebring's purely personal and private e-mails as described herein.

121. In releasing Sebring's purely personal and private e-mails, as described herein, Defendants intentionally caused, or acted with reckless disregard of the probability of causing emotional distress to Sebring.

122. Sebring suffered severe or extreme emotional distress as a result of Defendants' outrageous conduct.

123. Defendants acted with willful and wanton reckless disregard for Sebring's rights and interests, thereby warranting the imposition of punitive damages against Defendants Caldwell-Johnson, Roeder, and Lantz.

124. As a result of Defendants' conduct Sebring has suffered damages, including but not limited to severe emotional distress, mental anguish, pain and suffering, embarrassment, humiliation, reduced earning capacity and lost past and future wages and benefits, and Sebring requests relief as set forth below.

COUNT IV - CONSPIRACY (DEFENDANTS CALDWELL-JOHNSON, ROEDER, AND LANTZ)

125. Plaintiff incorporates paragraphs 1 through 124 of this Petition as if fully set forth herein.

126. Defendants Caldwell-Johnson, Roeder, and Lantz acted in concert and engaged in unlawful conduct as described herein.

127. Defendants Caldwell-Johnson, Roeder, and Lantz had an agreement or understanding to engage in unlawful conduct as described herein.

128. Defendants Caldwell-Johnson, Roeder, and Lantz knowingly and voluntarily participated in a common scheme to engage in unlawful conduct as described herein.

129. Defendants acted with willful and wanton reckless disregard for Sebring's rights and interests, thereby warranting the imposition of punitive damages against Defendants Caldwell-Johnson, Roeder, and Lantz.

130. As a result of Defendants' conduct Sebring has suffered damages, including but not limited to severe emotional distress, mental anguish, pain and suffering, embarrassment, humiliation, reduced earning capacity and lost past and future wages and benefits, and Sebring requests relief as set forth below.

VI. RELIEF SOUGHT

WHEREFORE, Plaintiff requests judgment be entered in her favor and against all Defendants, jointly and severally, and requests that the Court order the following relief:

A. Award damages to Sebring as a result of Defendants' conduct;

B. Order Defendants to make Sebring whole by awarding her lost earnings as a result of her inability to find gainful employment as a result of the Defendants' wrongful conduct;

C. Order Defendants to make Sebring whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

D. Award pre-judgment interest and costs, against Defendants as allowed by law; and

E. Grant such further relief as the Court deems necessary and proper.

As to Defendants Caldwell-Johnson, Roeder, and Lantz, the Plaintiff requests the following additional relief:

F. Award punitive and exemplary damages to Sebring and against Defendants Caldwell-Johnson, Roeder, and Lantz in an amount sufficient to punish Caldwell-Johnson, Roeder, and Lantz for their conduct and to deter Caldwell-Johnson, Roeder, and Lantz and others similarly situated from engaging in similar willful and/or wanton unlawful conduct in the future.

Respectfully submitted,

David H. Goldman AT0001912
Thomas W. Foley AT0002589
Kodi A. Brotherson AT0006106
Katie Ervin Carlson AT0008958
Babich Goldman, P.C.
501 SW 7th Street, Suite J
Des Moines, Iowa 50309
Telephone: (515) 244-4300
Facsimile: (515) 244-2650
E-mail: DGoldman@BabichGoldman.com
TFoley@BabichGoldman.com
KBrotherson@BabichGoldman.com
KCarlson@BabichGoldman.com

ATTORNEYS FOR PLAINTIFF

Original filed.